

**Minutes of the Regular Meeting of the
LAKE STRUCTURES APPEALS BOARD
Tuesday, February 19, 2002
4:00 p.m.
Lake Lure Municipal Center
(as amended 04-16-02)**

PRESENT: Beth Rose, Chairman
 Robert Beach, Vice Chairman
 Fred Noble
 Mary Ann Dotson
 Mike Williams
 Werner Maringer, Alternate
 Ken Jordan, Alternate

Also present were: Terri Potts, Zoning Administrator
 Monica Stofer, Recording Secretary
 Blaine Cox, Council Liaison
 Jim Proctor, Mayor

Chairman Rose called the meeting to order at 4:44 p.m.

Mr. Beach moved for approval of the agenda.

The minutes from the December 18, 2001 meeting were considered for approval upon a motion by Mr. Williams. The motion was seconded by Mr. Noble and then unanimously approved.

Chairman Rose swore in everyone in attendance who were to testify in the case.

1. **LSA-02-02, Patricia Hyatt. A request by Patricia Hyatt for two variances from the provisions of Section 92.040, Setbacks at Lurewood Manor Dr.**

Ms. Potts addressed the Board to clarify that the only subject to be discussed at this meeting is the request for variance regarding the boathouse. Any other items in relationship to Ms. Hyatt's lot will not be addressed at this meeting.

Ms. Hyatt stated that she is requesting the variances indicated on her application. She was asked direct questions by various members of the Board. There was brief discussion in regards to the fact that Ms. Hyatt had questions regarding the validity of the extension of side property lines into the lake and whether there actually was an encroachment on the Spratt property line. When asked if the original plan for construction of the boathouse would have required a variance, Ms. Hyatt claimed that it would have. Another question was from Chairman Rose asking if the original plans submitted to the zoning administrator showed the boathouse where it is located now. Ms. Hyatt stated no. Ms. Potts stated that

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according to the information submitted by Hyatt, it would not have. Upon further discussion, Chairman Rose began the Finding of Fact portion of the hearing. Based upon the Finding of Fact, and a unanimous decision, the variance request was denied. (The tape with verbatim remarks is on file.)

Mr. Beach moved that the board finds the requirements of Section 92.085(C) have not been met, and therefore, deny request LSA-02-02. The motion was seconded by Mr. Williams, and passed unanimously.

In the open forum, Chairman Rose and other board members decided that the by-laws will be for both the Board of Adjustment and Lake Structures Appeals Boards.

Since there was no further business the meeting was adjourned at 5:22 p.m.